

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

Nos. 03-4220, 03-4221, 03-4275, 03-4294, 03-4316,
03-4319, 03-4504, 03-4732,
03-4837, 04-4838, 03-4862, 04-1002, and 04-1039

IN RE: COMMUNITY BANK OF NORTHERN VIRGINIA AND GUARANTY
NATIONAL BANK OF TALLAHASSEE SECOND MORTGAGE LOAN
LITIGATION

Stephanie Spann; Leonila T. Nini; Eufronio Nini; John Hardt;
Robbin Verbeck; Stephanie Hafford; Charles B. Poindexter;
Maureen F. Poindexter; David B. Walker; Shundra R. Walker;
Jessie Dodd; James Beckius; Linda Whitehead; Lynell B. Wingfield;
Jario Ivan Sarrie; Beatriz Sarrie; Michelle K. Morgan; Sharon Finnerty;
Donald Appleton; Jeanette Appleton; Edelman, Combs & Lattuner, LLC;
Appellants in No. 03-4220

Walters, Bender, Strohbahn & Vaughan, P.C.,
Appellant in No. 03-4221

Scott C. Borison,
Appellant in No. 03-4294

Badeaux Class Member Opt-Outs,
Appellants in Nos. 03-4316 and 03-4838

Alabama Class Member Opt-Outs,
Appellants in No. 03-4319

Dickey, McCamey & Chilcote, P.C., David J. Armstrong, Esq., Douglas C. LaSota, Esq.,
Franklin R. Nix, Esq., Georgia Class Member Opt-Outs,
Appellants in Nos. 03-4275 and 03-4504

Ronald D. Gray; Ozy T. McDaniel; Jerline McDaniel; Tammy and David Wasem;
Richard and Margaret Harlin; Sylvester and Patricia Watkins; Stephen D. Jensen;
Joseph E. and Cynthia A. Brownfield; Missouri Class Member Opt-Outs;

Illinois Class Member Opt-Outs,
Appellants in No. 03-4732

Michael Lane; Marcos Escalante; Cheryl White-Berry;
William P. Gorny; Rinaldo Swayne,
Appellants in No. 03-4837

Franklin R. Nix, Esq.; Georgia Class Member Opt-Outs and Objectors,
Appellants in No. 03-4862

Marion Deloy Smith,
Appellant in No. 04-1002

John W. Sharbrough, III, Esq.; The Sharbrough Law Firm;
Alabama Class Member Opt-Outs
Appellants in No. 04-1039

Argued February 17, 2005

Before: SLOVITER, AMBRO, and ALDISERT, Circuit Judges

ORDER AMENDING OPINION

IT IS ORDERED that the slip opinion in the above case, filed August 11, 2005, be amended as follows:

Page 45, sentence beginning on line 10 with the words “Voluntary assignees of a credit obligation . . .” should be deleted and replaced by the following:

The parties dispute the scope of assignee liability arising from HOEPA loans, an issue that has divided the district courts. Compare, e.g. Cooper v. First Government Mortgage and Investors Corp., 238 F. Supp. 2d 50, 55 (D. D.C. 2002), with Baker v. Century Financial Group, Inc., No. 01-0903-CV-W-SOW-ECF, 2001 U.S. Dist. LEXIS 24320, at *7 (W.D. Mo. 2001). Appellants contend that the operative legal standard is set forth in § 1641(d). Appellees

argue that § 1641(d) does not provide an independent basis for liability. This court need not, and does not, resolve that dispute at this time.

By the Court,

/s/ Dolores K. Sloviter
Circuit Judge

Dated: September 21, 2005
nmb/cc: All Counsel of Record